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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,214	07/01/2003	Gary William Yeager	08CN6021-9	1213
23413	7590	01/12/2006		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER VIJAYAKUMAR, KALLAMBELLA M	
			ART UNIT 1751	PAPER NUMBER
DATE MAILED: 01/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	10/604,214		YEAGER ET AL.	
	Examiner		Art Unit	
	Kallambella Vijayakumar		1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 36-38 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 1-32 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This application is a CIP of SI No. 09/683,214, now US patent 6,905,637.

Applicant's election with traverse of Gp-1, Claims 1-35 in the reply filed on 10/31/2005 is acknowledged. Claim 36-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. This action is deemed to be proper for the reasons set forth in last office action and hence made FINAL.

The IDS filed 11/03/2003 and 10/06/2003 have been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-32 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeager et al (US 2001/0053820).

The applied reference has a common Inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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Yeager et al disclose poly(arylene ether)-containing thermoset compositions formed by mixing and curing the compositions containing capped poly(arylene ether) containing : (a). a blend of poly(arylene ethers) containing at least two capped poly (arylene ethers) and having a viscosity of 0.15-0.3 dl/g (Para 0004, 0009, 0031)(First Resin), (b). a high molecular weight poly(arylene ether) with a viscosity of at least 0.3 dl/g (Para 0059) (Second Resin), (c). an alkenyl aromatic monomer such as styrene (Para 0032), and (d). an acryloyl monomer such as dipropyleneglycol dimethacrylate (Para 0046). The disclosure on the structure of capped poly(arylene ethers) in paragraphs 0011-0026 meets the limitation of claims 5-8. The amount of poly(arylene ethers) in the composition in Paragraph-0032 meets the limitation of claim-9. The disclosure on the structure and amount of alkenyl aromatic monomer in Paragraphs 0034-0036 meets the limitation of claims 10-13. The disclosure on the structure and amount of acryloyl monomer in Paragraphs 0037-0052 meets the limitation of claims 14-18. With regard to claim-19, the prior art teaches using curing catalysts (Para-0054). With regard to claims 21-24, the prior art teaches the fillers such as alumina and glass fibers in the amount of 0.005-1000 parts per 100 parts of capped poly(arylene ethers), alkenyl aromatic monomer and acryloyl monomer (Para 0067, 0070, 0074, 0080). With regard to claim 25, the prior art teaches adding lubricants (Para-0066). With regard to the properties in claims 26-29, the prior art composition is identical to that by the applicants, and identical compositions have identical properties. The compositions described above encompass the compositions in claims 30-32. With regard to claim-35, the prior art teaches a molded composition. All the limitations of the instant claims are met. The reference is anticipatory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-2, 7-8, 10-12, 15, 20-21, 23-30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US 5,612,425).

Weber et al teach molding compositions obtainable by reacting a composition comprising 1-99 wt% polyaryl ether-A, 0-90 wt% polyaryl ether-I, 0-45 wt% fibrous/particulate filler such as glass fibers and kaolin, 1-99 wt% thermoplastic polyamides and 0-25 wt% impact modifiers (Abstract, Col-1, Ln 6-41; Col-3, Ln 55-Col4, Ln 29; Col-5, Ln 34 to Col-6, Ln 47). The prior art further teaches the addition of 2-20 wt% impact modifying rubbers obtained by grafting polymers with monomers of methacrylic acid (acryloyl monomer) and styrene (alkenyl aromatic monomer) either in melt or in solution using a curing catalyst (Col-8, Ln 19-22; 48-58).

The prior art is silent about the difference in viscosities of the polyarylene ethers in the composition. However, the prior art teaches using two different polyarylene ethers in the composition, and the difference in viscosity of a low number such as 0.1 dl/g would be obvious between the them, because the composition and utility of prior art are the same as that by the applicants.

With regard to the properties in claims 26-29, the prior art composition is similar to that by the applicants having same utility as molding compositions, and similar compositions are expected to possess similar properties. With regard to claim-35, the prior art teaches a composite

Allowable Subject Matter

Claims 33-34 are allowed. The prior art of record does not teach or fairly suggestive of the applicant's composition containing the specific components in the specific ratios.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kallambella Vijayakumar whose telephone number is 571-272-1324. The examiner can normally be reached on 8-5.30 Mon-Thu, 8-4.30 Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KMV
January, 09, 2006


Mark Kopec
Primary Examiner